

**DELEGATED APPROVAL FORM
DIRECTOR, REAL ESTATE SERVICES
MANAGER, REAL ESTATE SERVICES**

TRACKING NO.: 2019-121

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Rutvik Pandya	Division:	Real Estate Services
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Date Prepared:	April 3, 2019	Phone No.:	416 338-5812
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Purpose To obtain authority to enter into an amending agreement (the "Amending Letter Agreement No.7") for the addition of three (3) new areas to the Master Licence Agreement for multi-use paths within hydro corridor lands, between the City of Toronto (the "City"), and Ontario Infrastructure and Lands Corporation ("OLIC") acting as an agent on behalf of Her Majesty The Queen in Right of Ontario as represented by the Minister of Government and Consumer Services (the "Licensor").

Land Lands as shown more particularly in Schedules "B62", "B63" & "B64" and referenced in Schedule "A" in the location map (the "Added Lands").
 B62: Scarborough – Morningside Heights Garden
 B63: Scarborough – Warden McNicoll Soccer fields
 B64: North York – East Don Trail

Actions It is recommended that:

1. Authority is granted to enter into the Amending Letter Agreement No.7 with the Licensor to add additional areas to the Master Licence Agreement on the terms contained in the Master Licence Agreement and any such other or amended terms and conditions deemed appropriate by the Deputy City Manager, Corporate Services ("DCM") and in a form acceptable to the City Solicitor;
2. The DCM or his/her designate administer and manage the Amending Letter Agreement No. 7 including the provision of any consents, approvals, amendments, waivers, notices and notices of termination provided that the DCM may, at any time, refer consideration of such matters to City Council for its determination and direction; and
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact Pursuant to the Master Licence Agreement, the City must pay the taxes or payment in lieu of taxes (PILT) portion of the licensed areas. The total additional payment for the area of the Added Lands will be approximately \$11,985.42 (plus HST) or \$12,196.36 (net of HST recoveries) per annum for the remainder of the term of the Master Licence Agreement. As a result of the Added Lands, the annual PILT payment will increase to \$474,300 (plus HST) or \$482,647.76 (net of HST recoveries). Funding is available in the 2019 Council Approved Operating Budget for Parks, Forestry & Recreation under cost center P06827 and will be included in future Budget submissions for Council consideration.

The Chief Financial Officer and Treasurer has reviewed this DAF and agree with the financial impact information.

Comments By way of adoption of GM33.6, City Council at its meeting on August 25, 26 and 27, 2010 authorized the Master License Agreement between the City and the predecessor to OILC, Ontario Realty Corporation, acting as an agent on behalf of Her Majesty The Queen in Right of Ontario, for use of lands in hydro corridors for various parks uses. The proposed multi-use paths are considered 'Parks' use. By way of adoption of GM20.8, City Council at its Meeting on April 3 and 4, 2013 authorized Staff to enter into agreements with the Licensor using the Licensor's form of indemnity and release language.

Pursuant to Section 2 of the Master Licence Agreement, the Licensor agrees to the amendment by adding the Added Lands to the Lands as defined in the Master Licence Agreement, subject to the terms and conditions of the Master Licence Agreement. Through DAF 2016-196 the City entered into a master licence of land renewal agreement for the continued use of the lands on various hydro corridors for parks and recreation uses by the City, commencing January 1, 2016 for a five (5) year term.

Terms Refer to Page 4 for details

Property Details	Ward:	25, 22, 16
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	151,473.84 m2
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to Divisions and Agencies:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences</p> <p><input type="checkbox"/> (b) Releases/Discharges</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates</p> <p><input type="checkbox"/> (f) Objections/Waivers/Caution</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds</p>

B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:

- Documents required to implement matters for which he or she also has delegated approval authority.
- Expropriation Applications and Notices following Council approval of expropriation (Manager, Acquisitions & Expropriations is only Manager with such signing authority).

Director, Real Estate Services also has signing authority on behalf of the City for:

- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Internal Corporal Services and any related documents.

Consultation with Councillor(s)									
Councillor:	Denzil Minnan-Wong				Councillor:	Jim Karygiannis & Jennifer McKelvie			
Contact Name:					Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Not consulted				Comments:	Not consulted			
Consultation with Divisions and/or Agencies									
Division:	Parks Forestry & Recreation				Division:	Financial Planning			
Contact Name:	Brian Majcencic				Contact Name:	Lauren Birch			
Comments:	No Objection Apr 3,2019				Comments:	No Objection received Apr 16,2019			
Legal Division Contact									
Contact Name:	Gloria Lee								

DAF Tracking No.: 2019-121	Date	Signature
Concurred with by:		
<input checked="" type="checkbox"/> Recommended by: Manager, Leasing and Site Management <input type="checkbox"/> Approved by: Alex Schuler	April 30, 2019	Signed by Alex Schuler
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	April 30, 2019	Signed by Nick Simos

General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (b) Where approving power has been delegated to staff, the Deputy City Manager, Internal Corporate Services, in consultation with any other applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget, or funding being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc., but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose, except for property acquisitions of 50M² or less for transit shelter purposes.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director of City Planning, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then Approving Authority is transferred upwards to the next more senior level of Approving Authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, including ancillary agreements, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").

Term of the 7th Amendment:




The term of the Amending Letter Agreement No. 7 as it applies to the Added Lands shall commence on the 17th day of January 2019. The term of the Added Lands shall terminate on the 31st day of December 2020, as provided in the Master Licence Agreement. Except as expressly amended by the Amending Letter Agreement No. 7, the Master Licence Agreement remains unamended and in full force and effect.

Schedule "A"
Site Location Map

Schedule "B62"

Finch Hydro Corridor: Morningside Heights CEED Garden Plots

Part of Lot 14, Concession 4
Former City of Scarborough, now City of Toronto
HONI File: Scarborough C 632.1-6117




-  Bill 58 Corridor Lands
-  Licensed Area: 11.17 acres
-  Taxable Area: 1.636 acres



Schedule "B63"

Warden McNicoll Soccer Fields

Part of Lot 32, Concession 4,
Former City of Scarborough, now City of Toronto
HONI File: SCARBOROUGH C 632.1-689




-  Bill 58 Corridor Lands
-  Licensed Area: 8.81 acres
-  Taxable Area: 8.81 acres



Schedule "B64"

East Don Trail

Part of Lots 4 & 5, Concession 3 F.T.B., Geographic Township of York
Formerly City of North York, now City of Toronto
HONI File: NORTH YORK C 632.1-5317

-  Bill 58 Corridor Lands
-  Licensed Area: 17,451 acres
-  Taxable Area: 1,289 acres

